

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Kevin G. Mickens
Debtor(s)

Bankruptcy Case No.: 17-21704-CMB
Per January 30, 2020 Proceeding
Chapter: 13
Docket No.: 140 – 117, 136
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 18, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,198.00 as of February, 2020. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☒ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: PHH Mortgage Corporation (Cl.#2) to be paid per Loan Modification beginning September, 2019.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: February 4, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Imaged Certificate of Notice Page 4 of 5

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
Kevin G. Mickens
DebtorCase No. 17-21704-CMB
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: dric
Form ID: 149Page 1 of 2
Total Noticed: 28

Date Rcvd: Feb 04, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 06, 2020.

db +Kevin G. Mickens, 219 North Winebiddle Street, Pittsburgh, PA 15224-2461
 cr +City and School District of Pittsburgh, Goehring, Rutter, and Boehm,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219,
 UNITED STATES 15219-6101
 cr +PHH Mortgage Corporation as servicer for PNC Bank,, 1 Mortgage Way,
 Mount Laurel, NJ 08054-4624
 cr +PNC BANK NATIONAL ASSOCIATION, 14841 Dallas Pkwy Suite 425, Dallas, TX 75254-8067
 cr +Pittsburgh Water & Sewer Authority, Goehring, Rutter, and Boehm,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219,
 UNITED STATES 15219-6101
 14409795 +Allegheny Co Fam Div, 414 Grant St, Pittsburgh, PA 15219-2409
 14657709 +City & School District of Pittsburgh, Goehring, Rutter & Boehm,
 c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building,
 Pittsburgh, PA 15219-6101
 14409797 +Dept Of Ed/Aspire Resources Inc, 6775 Vista Dr, West Des Moines, IA 50266-9305
 14639303 +Duquesne Light, P.O. Box 67, Pittsburgh, PA 15267-0067
 14409798 +Ksa Servicing, Po Box 90759, Raleigh, NC 27675-0759
 14639306 +Michael Evans, 219 N. Winebiddle Street, Pittsburgh, PA 15224-2461
 14409799 +Mohela/Dept of Ed, 633 Spirit Dr, Chesterfield, MO 63005-1243
 14409800 +Mortgage Service Cente, Attn: Bankruptcy Dept, Po Box 5452, Mt Laurel, NJ 08054-5452
 14639309 +Novak, Berkowitz, and Rosenberg, 532 S. Aiken Avenue, Ste. 520, Pittsburgh, PA 15232-1521
 14423307 +PHH Mortgage Corporation, 1 Mortgage Way, ATTN: Mail Stop SV-01,
 Mount Laurel, NJ 08054-4624
 14409801 +PNC Bank, c/o PHH Mortgage Services, 1 Mortgage Way, Mount Laurel, NJ 08054-4637
 14639310 +Peoples Gas, 375 N. Shore Dr., Pittsburgh, PA 15212-5871
 14659010 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Avenue,
 Pittsburgh, PA 15233-1828
 14657710 +Pittsburgh Water & Sewer Authority, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
 14639312 +Shapiro & DeNardo, LLC, ATTN: Christopher A. DeNardo, 3600 Horizon Drive, Suite 150,
 King of Prussia, PA 19406-4702
 14417231 +U.S Dept of ED/Mohela, 633 Spirit Drive, Chesterfield, MO 63005-1243
 14705128 UPMC Physician Services, PO Box 1123, Minneapolis MN 55440-1123
 14409802 +US Dept of Education, Attn: Bankruptcy, Po Box 16448, Saint Paul, MN 55116-0448

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14409796 +E-mail/Text: ally@ebn.phinsolutions.com Feb 05 2020 02:48:45 Ally Financial,
 Attn: Bankruptcy, Po Box 380901, Bloomington, MN 55438-0901
 14711006 +E-mail/Text: kborkley@bernsteinlaw.com Feb 05 2020 02:50:25 Duquesne Light Company,
 c/o Allison L. Carr,, Bernstein-Borkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,,
 Pittsburgh, PA 15219-1945
 14639304 E-mail/Text: cio.bncmail@irs.gov Feb 05 2020 02:49:44 IRS, PO Box 7346,
 Philadelphia, PA 19101-7346
 14639353 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Feb 05 2020 02:49:56
 Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,
 Harrisburg, PA 17128-0946
 14639314 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Feb 05 2020 02:48:42
 Verizon Fios, P.O. Box 15124, Albany, NY 12212-5124

TOTAL: 5

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Duquesne Light Company
 cr* +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14639300* +Allegheny Co Fam Div, 414 Grant St, Pittsburgh, PA 15219-2409
 14639301* +Ally Financial, Attn: Bankruptcy, Po Box 380901, Bloomington, MN 55438-0901
 14639302* +Dept Of Ed/Aspire Resources Inc, 6775 Vista Dr, West Des Moines, IA 50266-9305
 14639305* +Ksa Servicing, Po Box 90759, Raleigh, NC 27675-0759
 14639307* +Mohela/Dept of Ed, 633 Spirit Dr, Chesterfield, MO 63005-1243
 14639308* +Mortgage Service Cente, Attn: Bankruptcy Dept, Po Box 5452, Mt Laurel, NJ 08054-5452
 14639311* +PNC Bank, c/o PHH Mortgage Services, 1 Mortgage Way, Mount Laurel, NJ 08054-4637
 14639313* +US Dept of Education, Attn: Bankruptcy, Po Box 16448, Saint Paul, MN 55116-0448

TOTALS: 1, * 9, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0315-2

User: dric
Form ID: 149

Page 2 of 2
Total Noticed: 28

Date Rcvd: Feb 04, 2020

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 06, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 4, 2020 at the address(es) listed below:

Albert G. Reese, Jr. on behalf of Debtor Kevin G. Mickens areese8897@aol.com,
agreese8897@gmail.com;r41196@notify.bestcase.com;agrlaw8897@gmail.com
James Warmbrodt on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bkgroup@kmlawgroup.com
Jeffrey R. Hunt on behalf of Creditor Pittsburgh Water & Sewer Authority jhunt@grblaw.com,
cnoroski@grblaw.com
Jeffrey R. Hunt on behalf of Creditor City and School District of Pittsburgh jhunt@grblaw.com,
cnoroski@grblaw.com
Kevin Scott Frankel on behalf of Creditor PHH Mortgage Corporation as servicer for PNC Bank,
National Association pabk@logs.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,
ckutch@ecf.courtdrive.com;acarr@bernsteinlaw.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com;srk@sjwpgh.com

TOTAL: 9